

Application No. 09/862,905  
Response to 19 December 2005 Final Office Action

REMARKS

Claims 16-17, 21-34, 49, 51-52, 54, 56, and 58-60 are pending. By this Amendment, no claims are added or canceled and claims 30-31, 56, and 58-60 are amended, claims 18-20, 50, 53, 55, and 57 being canceled previously and claims 35-48 and 61-70 previously withdrawn pursuant to a restriction requirement. A listing of the pending claims as amended, where applicable, is enclosed as an Appendix.

The amended claims are recited below, without underlining and with deleted portions indicated by strikethrough and inserted portions indicated by underlining.

30. (Amended) The roof ventilator of claim 17, in which the intermediate ~~plies~~ ply within the top panel recessed area ~~define~~ defines a generally oval-shaped path.

31. (Amended) The roof ventilator of claim 17, in which the intermediate ~~plies~~ ply within the top panel recessed area ~~define~~ defines a generally nonlinear path.

56. (Twice Amended) The ventilator of claim 54, in which the corrugated ~~sheet~~ material comprises plastic.

58. (Twice Amended) The ventilator of claim 56, in which each of said first and second panels ~~are~~ is interconnected by slit-scoring.

59. (Twice Amended) The ventilator of claim 56, in which each said of first and second panels ~~are~~ is interconnected by nick-scoring.

Application No. 09/862,905  
Response to 19 December 2005 Final Office Action

60. (Twice Amended) A roof comprising the ventilator of claim 49 operably present at ~~a~~ the peak of said roof.

With respect to claims 30 and 31 (depending from claim 17), there is a single top panel recited in claim 17. Therefore, there can only be a single recited intermediate ply within the top panel. To this end, claim 30 is amended to recite a singular intermediate ply and correct associated grammar. The foregoing amendments to claims 30 and 31 correct antecedence, which does not narrow the scopes of these claims.

Referring to claim 56 (depending directly from claim 54, which, in turn, depends from claim 49), antecedence is corrected by reciting "corrugated material" in place of "corrugated sheet material," the latter not recited in either of claims 54 or 49. Applicant respectfully submits that the foregoing amendment, by correcting antecedence of the recited limitation, does not narrow the scope of claim 56.

The amendments to claims 58 and 59 (depending from claim 56), more particularly state that each of the first and second panels are interconnected and corrects the grammar to the singular subject of the phrase. Applicant respectfully submits that correcting for antecedent basis and for grammar does not narrow the scope of claims 58 and 59.

The amendment to claim 60 (depending from claim 49) corrects antecedence by referring to the peak recited in claim 49. Applicant respectfully submits that correcting antecedence of the foregoing claim limitation does not narrow the scope of claim 60.

No new matter has been added by the foregoing amendments to the pending claims. Applicant respectfully submits that support to correct for antecedence and grammar is not

Application No. 09/862,905  
Response to 19 December 2005 Final Office Action

required. In view of the foregoing amendments to the claims, reconsideration and withdrawal of the rejection are respectfully requested.

Finality of Office Action/Previous Remarks and Arguments

Applicants appreciatively acknowledge withdrawal of the finality of the previous Office Action and withdrawal of the rejection of claims 16, 17, 21-34, 49, 51, 52, 54, 56, and 58-60 under 35 U.S.C. § 251 for improper recapture.

Oath/Declaration

Citing 37 C.F.R. § 1.175 (b) (1), the Office Action requires submission of a Supplemental Reissue Oath/Declaration addressing all amendments made to the present application. A Supplemental Declaration and Consent of the Assignee are enclosed.

35 U.S.C. § 251

Claims 16, 17, 21-34, 49, 51, 52, 54, 56, and 58-60 are rejected under 35 U.S.C. § 251 (the rejection referring to 37 C.F.R. 1.175) as based upon a defective reissue declaration. A Supplemental Declaration and a Supplemental Statement and Assignee Consent, believed to address all amendments made to the present application not previously addressed by a reissue declaration, are enclosed with this Amendment. In view of the submission of the Supplemental Declaration and Consent of the Assignee, reconsideration and withdrawal of the rejection are respectfully requested.

Application No. 09/862,905  
Response to 19 December 2005 Final Office Action

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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